

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

JUL 28 2016

Clerk, U S Courts
District Of Montana
Great Falls Division

UNITED STATES OF AMERICA,

CR 13-52-GF-BMM

Plaintiff,

ORDER

vs.

WESLEY ALLEN CROSS GUNS,

Defendant.

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston set the revocation hearing for July 6, 2016. The Government moved to dismiss the revocation petition shortly after the hearing began. The Government stated that a revocation hearing was not necessary given that the Defendant had been accepted for placement at the Connections Corrections facility in Butte, Montana.

Judge Johnston entered his Findings and Recommendations on July 12, 2016. Judge Johnston recommended that this Court dismiss the revocation petition based on the Government's motion. (Doc. 148 at 3-4)

No objections were filed by either party. Judge Johnston's Findings and Recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

The Court agrees with Judge Johnston's Findings and Recommendations.

Accordingly, IT IS ORDERED:

1. Judge Johnston's Findings and Recommendations (Doc. 148) are adopted in full.
2. The petition to revoke Defendant's supervised release is DISMISSED.
3. Defendant shall remain on supervised release. The supervised release conditions previously imposed shall remain in effect.

DATED this 27th day of July, 2016.



Brian Morris
United States District Court Judge